

Message Text

CONFIDENTIAL

PAGE 01 PARIS 11075 01 OF 02 151629Z
ACTION IO-13

INFO OCT-01 IOE-00 ISO-00 SS-15 SP-02 L-03 H-01 NSC-05
CIAE-00 INR-07 NSAE-00 PA-01 USIA-06 PRS-01 CU-02
OIC-02 DHA-02 AF-10 ARA-06 EA-07 EUR-12 NEA-10
/106 W

-----151753Z 092465 /41

P R 151626Z APR 77
FM AMEMBASSY PARIS
TO SECSTATE WASHDC PRIORITY 1787
INFO USMISSION USUN
USMISSION GENEVA

C O N F I D E N T I A L SECTION 01 OF 02 PARIS 11075

NESCO

E.O. 11652: GDS
TAGS: UNESCO, AORG
SUBJECT: UNESCO 102ND EXECUTIVE BOARD: FORM OF US
INTERVENTION

REF: (A) STATE 065129, (B) PARIS 08863

1. PERMDEL'S ANALYSIS OF THE SECRETARIAT DOCUMENT 102
EX/19 (COPY AIRPOUCHED TO DEPT. APRIL 8, REGISTRY
1582044) LEADS US TO CONCLUDE THAT AGENDA ITEM 5.6.2
AND ABOVE DOCUMENT ITSELF PROVIDE SUFFICIENTLY
BROAD BASIS FOR PRESENTATION OF US INITIATIVE DISCUSSED
IN REFTELS.

2. THE RELEVANT TEXTS THAT PROVIDE AN OPENING FOR OUR
STATEMENT ARE TO BE FOUND IN (A) PARAS. 42-51, ON ILO
PROCEDURE, WHERE MENTION IS MADE OF SUCH MECHANISMS
AS "COMMISSION OF INQUIRY", "FACT-FINDING AND CONCILIA-
TION COMMISSION. . .", "COMMITTEE OF THREE", ETC. (B)
PARA 110 REFERRING TO 77EXBD/DECISION 8.3 OF 1967 WHICH,
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PAGE 02 PARIS 11075 01 OF 02 151629Z

INTER ALIA, EXPRESSED HOPE"THAT THE STUDY OF PROCEDURES
AT PRESENT BEING CARRIED OUT BY THE UNITED NATIONS AND
ITS SPECIALIZED AGENCIES WILL LEAD IN THE NEAR
FUTURE TO A SATISFACTORY SOLUTION" (OF PROCEDURE FOR
HANDLING COMPLAINTS RE HUMAN RIGHTS). THIS PARA. ALSO
STATES THAT WHILE THE UN FAMILY HAS DEVELOPED VARIOUS
PROCEDURES, UNESCO PROCEDURE REMAINED ESSENTIALLY UN-

CHANGED (ERGO: IT'S TIME TO DO SOMETHING ABOUT IT);
AND (C) IN PARA 125 WHERE ALLUSION IS MADE TO FOLLOW
THE ILO MODEL.

3. IN THIS CONNECTION, DEPARTMENT'S ATTENTION IS ALSO
CALLED TO ARTICLE V.B.5 (B) OF UNESCO CONSTITUTION
WHICH, INTER ALIA, ALLOWS THE EXECUTIVE BOARD TO "TAKE
ALL NECESSARY MEASURES" TO ENSURE THE EFFECTIVE AND
RATIONAL EXECUTION OF THE PROGRAM BY THE DIRECTOR-
GENERAL; AND PARA 10 OF SAME ARTICLE AND SECTION WHICH,
INTER ALIA, GIVES EXBD AUTHORITY TO "MAKE ALL NECESSARY
ARRANGEMENTS TO CONSULT. . . QUALIFIED PERSONS CON-
CERNED WITH QUESTIONS WITHIN ITS COMPETENCE." FURTHER-
MORE, RULES OF PROCEDURE OF THE EXECUTIVE BOARD
(ARTICLE V, PARA 17) STATES THAT THE BOARD MAY ESTABLISH
". . .SUCH TEMPORARY COMMITTEES AS IT CONSIDERS
NECESSARY FOR THE EXECUTION OF ITS TASK. THE TERMS OF
REFERENCE OF SUCH COMMITTEES SHALL BE SPECIFICALLY
DEFINED BY THE EXBD AT THE TIME OF THEIR ESTABLISH-
MENT."

4. WHILE WE AGREE THAT OUR STATEMENT SHOULD BE CON-
CEIVED AS A FIRST STEP TOWARD ESTABLISHMENT IN UNESCO
OF A MORE RATIONAL AND MORE OBJECTIVE MECHANISM FOR
DEALING WITH ESSENTIALLY POLITICAL DISPUTES BETWEEN
MEMBER STATES, WE BELIEVE THAT OUR INITIATIVE IN THIS

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PAGE 01 PARIS 11075 02 OF 02 151634Z
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C O N F I D E N T I A L SECTION 02 OF 02 PARIS 11075

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REGARD SHOULD NOT PREEMPT THE NEED FOR ESTABLISHMENT OF BETTER PROCEDURE FOR MORE EFFECTIVE HANDLING OF COMPLAINTS IN HUMAN RIGHTS AREA ENVISAGED IN DOC. 102/EX/19. IT IS OUR CONSIDERED JUDGMENT THAT ANY ATTEMPT IN THIS DIRECTION WOULD MEET WITH RESENTMENT FROM THOSE (E.G. WEO) WHO HAVE STRONG INTEREST IN THE UNESCO CONVENTIONS IN QUESTION; IT MAY ALSO GIVE ERRONEOUS IMPRESSION TO THOSE (E.G. USSR & EE) WHO OPPOSE UNESCO'S ROLE IN ANY ENFORCEMENT OF HUMAN RIGHTS OBSERVANCE IN UNESCO'S FIELDS OF COMPETENCE. BRIEFLY STATED, WE FEEL THAT WHILE USING AGENDA ITEM 5.6.2 AS AN "OPENER", WE SHOULD BE MINDFUL OF THE NEED TO SEPARATE THE EXISTING OR IMPROVED COMMITTEE ON HUMAN RIGHTS ISSUES FROM THE NEW MECHANISM WE HAVE IN MIND.

5. IF DEPARTMENT IS IN AGREEMENT WITH THIS BASIC PREMISE, IT WOULD BE NECESSARY FOR US TO FIRST COMMENT ON THE SUBSTANCE OF PROPOSED PROCEDURE TO BE FOLLOWED IN UNESCO RE HUMAN RIGHTS COMPLAINTS, WHICH WILL BE FOUND IN PART V OF THE SECRETARIAT DOCUMENT (PARA. 125-CONFIDENTIAL

CONFIDENTIAL

PAGE 02 PARIS 11075 02 OF 02 151634Z

162). WE SHOULD THEN LEAD INTO OUR PROPOSAL ON SETTING UP THE MECHANISM TO HANDLE DISPUTES BETWEEN MEMBER STATES. STRESS SHOULD BE THROUGHOUT ON OUR BASIC DESIRE TO STRENGTHEN THE ORGANIZATION SO THAT IT CAN BETTER CARRY OUT ITS CONSTITUTIONAL AND PROGRAMATIC MANDATE.

6. PERMDEL HOPES THIS CABLE WILL PROVE USEFUL FOR DEPARTMENT TO BEGIN DRAFTING US STATEMENT, INCLUDING RELEVANT COMMENTS ON THE SECRETARIAT DOCUMENT. SINCE WARVARIV IS ACTION OFFICER ON THE TEXT AND WILL BE ABSENT WHOLE NEXT WEEK (ATTENDING HELSINKI MEETING), WE WOULD HOPE DEPARTMENT CAN PREPARE FIRST DRAFT. APPROVED TEXT SHOULD BE READY AS EARLY AS POSSIBLE WEEK OF 25TH, SO THAT TIME WILL STILL BE AVAILABLE FOR MODIFICATION TAKING INTO ACCOUNT SENSE AND TONE OF EXBD MEETING AS IT DEVELOPS.
HARLAN

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Message Attributes

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